

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)	
David W. Berry)	CHAPTER 7
Debtor)	CASE NO. 09-31231-HJB
)	

**FINAL APPLICATION FOR FEES and REIMBURSEMENT OF EXPENSES of
EHRHARD & ASSOCIATES, P.C. as COUNSEL FOR THE DEBTOR**

Now comes the applicant, Ehrhard & Associates, P.C., (hereinafter “E & A”) to respectfully file its final application for fees and expenses pursuant to 11 U.S.C. §§ 330 and 331, Bankruptcy Rules 2016(A) and MLBR 2016-1. The period of time for which fees are being sought is July 2, 2009 through January 8, 2010. In support of this application, E & A respectfully represents as follows:

1. On July 20, 2009 (the “Petition Date”), the Debtor filed a voluntary petition under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”). The Debtor continued to manage his affairs as Debtor-in-Possession pursuant to Bankruptcy Code § 1107 and 1108 until December 17, 2009.
2. A creditors’ committee was not appointed in this case.
3. On December 18, 2009, Joseph Collins was appointed Chapter 11 Trustee.
4. The case was converted to Chapter 7 on January 8, 2010.
5. An Application to Employ James P. Ehrhard and E & A as Counsel for the Debtor was filed with this Court on July 20, 2009 and was approved on August 10, 2009. The Application and Order approving same are attached hereto as Exhibit “A” (“Application to Employ”).

6. The Application to Employ contained the full terms and conditions of employment and compensation as of that date.
7. The Application to Employ requested authority to accept a retainer in the amount of \$11,500.00 against fees and costs.
8. This application sets forth the name of each attorney and professional that has performed services for the period of this application, including a description of services performed and the time required for said services. Exhibit "B", attached hereto, sets forth in detail all the time for which compensation is sought.
9. Debtor's counsel has spent a considerable portion of time representing the Debtor with regards to the authority to use cash collateral, responses and court hearings regarding numerous motions for relief filed by creditors and administrative items required in the Chapter 11 case. These services are delineated in the narrative attached hereto as Exhibit "C".
10. As shown in Exhibit "D", the total time and value of fees incurred is reflected in the amount of \$43,983.00. The total value of expenses incurred is reflected in Exhibit "E" in the amount of \$1,144.60.
11. Included in such compensation is the amount of \$3,327.50 for services rendered from the appointment of the Chapter 11 Trustee through the conversion of the case to Chapter 7 (December 18, 2009 through January 8, 2010). As Debtor's counsel, E & A played an integral role in allowing for a smooth transition from Debtor-in-Possession to oversight by the Chapter 11 Trustee. The ability of E & A to work with the Debtor to assume and understand his responsibilities during a difficult period not only helped the Debtor but

was important to the proper and efficient handling of the Chapter 11 Estate up through the conversion to Chapter 7.

12. The compensation fee and allowance herein claimed belongs solely to the applicant and will not be divided, shared or pooled directly or indirectly to any firm or person, except with members and associates of the law firm of E & A.
13. The hourly rates set out in the Attorney/Paralegal Time Summary attached hereto as Exhibit D are the usual hourly rates for each person set forth for comparable services.
14. All expenses set forth in the Costs/Disbursements summary attached hereto as Exhibit E have been incurred and paid.
15. All professional services for which your applicant seeks compensation were performed by the applicant and members of E & A on behalf of the Debtor, and not on behalf of any committee, creditor or other entity or person. A biography of the applicant and members of E & A has been attached hereto and marked as Exhibit "F".
16. Debtor's counsel believes that the sum requested in this Application for its services and un-reimbursed expenses is fair and reasonable.

WHEREFORE, the applicant prays that it be allowed the sum of \$45,127.60 as total compensation for services rendered during the billing period of July 2, 2009 through January 8, 2010 and as reimbursement for expenses incurred during the period of July 2, 2009 through January 8, 2010.

Respectfully submitted,

David W. Berry,
By his Attorneys,

/s/ James P. Ehrhard
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DATED: May 3, 2010

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)	

CERTIFICATE OF SERVICE

I, James P. Ehrhard, do hereby certify that upon receipt of the notice of electronic service, I will immediately serve a copy of the "Final Application for Fees and Reimbursement of Expenses of Ehrhard & Associates, P.C. as Counsel for the Debtor" via first class mail to the parties listed below if not noted as having received electronic service:

Richard King, VIA ECF

Stephen Muenier, VIA ECF

Joseph Collins, VIA ECF

David W. Berry
106 Coes Hill Road
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/s/ James P. Ehrhard
James P. Ehrhard, Esq.

Dated: May 3, 2010

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Jacksonville, FL 32256

Bank Of America
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Pasadena, CA 91101

Berkshire Bank
31 Court Street
Westfield, MA 01085

Colonial Pacific Leasing Corporation, Successor-in-interest to Citicapital Commercial Corporation
Cohn & Dussi, LLC
300 Trade Center, Suite 3700
Woburn, MA 01801

Cook Builders Supply Co., Inc.
210 Agawam Avenue
West Springfield, MA 01089
UNITED STATES

DTC Engineers & Constructors LLC
.2321 Whitney Ave.
Hamden Center II
Hamden, CT 06518

Deutsche Bank National Trust Company, as Trustee
c/o Doonan, Graves & Longoria, LLC
100 Cummings Center
Suite 225D
Beverly, MA 01915

Deutsche Bank National Trust Company, as Trustee for Novastar Mortgage Funding Trust,
Series 2006-6
c/o Doonan, Graves and Longoria, LLC
100 Cummings Center, Suite 225D
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Eastern Bank
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707 Bloomfield Avenue
Bloomfield, CT 06002

Grand Lumber Company, Inc.
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